

**RANDAZZA**  
LEGAL GROUP

Jay Marshall Wolman, JD  
Licensed in CT, MA, NY, DC

November 27, 2023

**Via Electronic Filing and E-Mail**

Hon. Cathy Seibel

The Hon. Charles L. Brieant Jr. Federal Building and United States Courthouse

300 Quarropas Street

White Plains, NY 10601-4150

<chambersnysdseibel@nysd.uscourts.gov>

***Re: Project Veritas, et al. v. James O’Keefe, et al., No. 7:23-cv-04533  
Letter-Motion for Extension of Time to Serve and for Alternate Service***

Dear Judge Seibel,

Undersigned counsel has the pleasure of representing Plaintiffs Project Veritas and Project Veritas Action Fund in the above-referenced matter. On October 10, 2023, the Court granted Plaintiffs’ Second Letter Motion for Extension of Time and, in so doing, ordered that:

If counsel for Plaintiff has contact information for one or more Defendants (whether mail, phone or electronic), counsel for Plaintiff shall send that Defendant a copy of this text order, even if they are not presently in touch.

(ECF No. 15). Subsequent thereto, on October 17, 2023, Defendants James O’Keefe and Transparency 1, LLC d/b/a O’Keefe Media Group were served that order (along with the summons, complaint, and amended complaint) upon Attorney Childers, electronically, who consented to accept such service. (ECF No. 17).

Plaintiffs have continued to do their due diligence as to Defendants RC Maxwell and Anthony Iatropoulos. However, as set forth below, an order formally permitting alternate service and the time to ensure it is done is now required. Having been unable to identify current addresses for such defendants, and conscious of the pending deadline to effect service, on November 20, 2023, Plaintiffs transmitted the October 10 order, along with the Summons, Complaint, First Amended Complaint, and other initiating documents, to Defendants Maxwell and Iatropoulos as follows:

- E-Mail (with read receipt requested) to the last known address for RC Maxwell, <rc@rcmaxwell.com> See **Exhibit 1**. However, such read receipt has not been received.

- USPS Priority Mail with tracking to the last known address for RC Maxwell, 3236 E. Chandler Blvd. #3078, Phoenix, AZ 85048. Tracking No. 9405 5036 9930 0627 6858 56. According to the USPS, such was delivered on November 24, 2023. See <https://tools.usps.com/go/TrackConfirmAction?tRef=fullpage&tLc=2&txt28777=&tLabels=9405503699300627685856%2C>
- USPS Priority Mail with tracking to the alternative last known address for RC Maxwell, 1438 E. Polk Street, Phoenix, AZ 85006. Tracking No. 9405 5036 9930 0627 6858 70. According to the USPS, such was delivered on November 24, 2023. See <https://tools.usps.com/go/TrackConfirmAction?tRef=fullpage&tLc=2&txt28777=&tLabels=9405503699300627685870%2C>
- E-Mail (with read receipt requested) to the last known address for Anthony Iatropoulos, <a.iatropoulos@protonmail.com>. See **Exhibit 2**. However, such read receipt has not been received.
- Text Message to the last known phone number for Anthony Iatropoulos, (626) 390-4007. See **Exhibit 3**.
- USPS Priority Mail with tracking to the last known address for Anthony Iatropoulos, 42 Union Street #22, Hillsdale, MI 49242. Tracking No. 9405 5036 9930 0627 6858 49. According to the USPS, such was delivered on November 25, 2023. See [https://tools.usps.com/go/TrackConfirmAction?qtc\\_tLabels1=9405%205036%209930%200627%206858%2049](https://tools.usps.com/go/TrackConfirmAction?qtc_tLabels1=9405%205036%209930%200627%206858%2049)

Pursuant to Fed. R. Civ. P. 4(e)(1), (m) & 6(b), CPLR 308(5), Local Civil Rule 7.1(d), and Your Honor's Individual Practices, § I(E), Plaintiffs move and request the Court extend the time for service of the summons and complaint in this matter for **an additional thirty days, until December 27, 2023 and to permit alternate service.**

Federal Rule of Civil Procedure 4(e)(1) allows a plaintiff to effect service of process pursuant to the law of the state in which the district court is located or where service is made. CPLR 308(5), however, gives the Court the discretion to allow alternate methods of service "in such manner as the court, upon motion without notice, directs" consistent with due process when service is impractical under CPLR 308(1), (2) and (4). Due process requires that notice be:

reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections. The notice must be of such nature as to reasonably

convey the required information, and it must afford a reasonable time for those interested to make their appearance.

*Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950).

Courts in the State of New York are flexible when authorizing service under CPLR 308(5) where a Plaintiff has showed that ordinary service of process is difficult or impractical. *See, e.g., Qaza v Alshalabi*, 54 Misc. 3d 691, 43 N.Y.S.3d 713 (NY Cty. Sup. Ct. 2016) (allowing service via Facebook); *Baidoo v Blood-Dzraku*, 48 Misc. 3d 309, 5 N.Y.S.3d 709 (NY Cty. Sup. Ct. 2015) (same); *Safadjou v Mohammadi*, 105 A.D.3d 1423, 964 N.Y.S.2d 801 (4th Dept. 2013) (allowing service via email).

Here, both Defendants Maxwell and Iatropoulos have been, essentially, alternately served by mail to their last known addresses and via e-mail. Plaintiffs ask that the Court deem them as having been served through alternate means or permit such additional time to effect alternate service, such as through Facebook, Instagram, or Telegram, or other social media account should such be identified.

In support of the additional time requested hereof, Plaintiffs state as follows:

1) The Original Date:

The Complaint in this matter was filed May 31, 2023, rendering the original 90-day deadline for service under Rule 4(m) as August 29, 2023. Such was extended to October 10, 2023, and November 27, 2023.

2) The number of previous requests for adjournment or extension, and the reason for those requests:

Two. The first request was due to a delay while (unsuccessful) discussions with the now-served defendants were occurring. The second request was due to difficulties in serving the various defendants, with two of the defendants having been successfully served.

3) Whether these previous requests were granted or denied:

**Granted.**

4) The reason for the instant request:

Plaintiffs have been attempting to locate and serve Defendants Maxwell and Iatropoulos. As set forth above, the additional time is needed to effect alternate service should the Court not deem prior efforts sufficient.

5) Whether the adversary consents, and, if not, the reasons given by the adversary for refusing to consent:

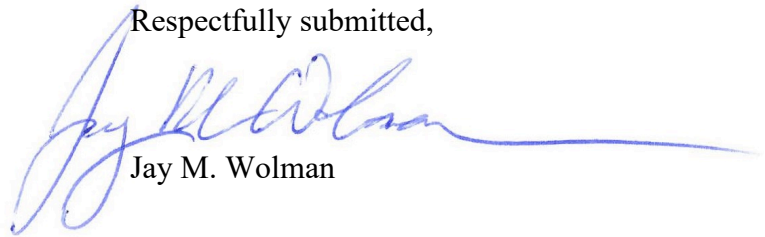
Randazza Legal Group  
Page 4 of 4

**RANDAZZA**  
LEGAL GROUP

Plaintiffs are not presently in communication with Defendants RC Maxwell or Anthony Iatropoulos, and, thus, their consent could not be sought.

In light of the foregoing, Plaintiffs respectfully request this Honorable Court extend the deadline for service of the Summons and Amended Complaint by 30 days, to December 27, 2023, in conjunction with allowing for alternate service as set forth above. Thank you for your attention to this matter.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jay M. Wolman", with a long horizontal flourish extending to the right.

Jay M. Wolman